

REBEL ARCHIVE

[HOUSE BILL, No. 82.]

HOUSE OF REPRESENTATIVES, May 12, 1864.—Read first and second times, referred to the Committee on Claims, and ordered to be printed.

[By Mr. AKIN, of Georgia.]

## A BILL

To be entitled "An Act to provide for the appointment of Commissioners in the several States of the Confederacy to inquire into and report upon the claims of citizens against the Government of the Confederate States for property taken, used, injured or destroyed by the army, or any part of it, of the Confederate States, and to provide for the punishment of perjury, subornation of perjury and for presenting fraudulent claims.

1 SECTION 1. *The Congress of the Confederate States of America*  
2 *do enact*, That the President shall, immediately after the passage  
3 of this act, appoint one Commissioner for each State of the  
4 Confederate States, who shall be, at the time of his appoint-  
5 ment, a citizen of the State for which he is appointed, whose  
6 duty it shall be to hold one or more sessions, as the ends of  
7 justice may require, in each county, district or parish of the  
8 State for which he is appointed, and in which county, district or  
9 parish the army of the Confederate States, or any part of it, has

10 taken, used, injured or destroyed any property of any kind belong-  
 11 ing to any citizen of the Confederate States, and to hear all the  
 12 testimony submitted to him in support of any claim of any citizen  
 13 for property of any kind taken, used, injured or destroyed by the  
 14 army of the Confederate States, or any part of it; and the testi-  
 15 mony, when orally submitted, shall be reduced to writing by  
 16 said Commissioner, or a clerk to be by him appointed; and the  
 17 testimony thus reduced to writing, in support of any claim, with  
 18 the depositions of witnesses to be taken as hereinafter provided,  
 19 shall be carefully sealed up by said Commissioner and sent to  
 20 the Attorney General of the Confederate States.

1 SEC. 2. *And be it further enacted,* That after the Commissioner  
 2 has heard all the evidence submitted to him orally and read or  
 3 heard read all the depositions in support of any claim presented  
 4 to him, he shall decide thereon, and if, in his opinion, said claim,  
 5 or any part of it, is just and ought to be paid by the Confederate  
 6 States, he shall so state in writing, showing the amount that  
 7 ought to be paid, and briefly give his reasons therefor; and, if he  
 8 should be of the opinion that said claim is not just and ought not  
 9 to be paid, he shall briefly give his reasons for his opinion, and  
 10 said opinion shall be signed by him and sealed up with the evi-  
 11 dence in the case and sent up to the Attorney General.

1 SEC. 3: *And be it further enacted,* That each Commissioner,  
 2 appointed under the provisions of this act, shall have power, and

3 he is hereby required, to prescribe rules for taking the deposi  
4 tions of witnesses in support of claims brought before him, when  
5 the witness resides out of the county, district or parish in which  
6 the claims are examined, or when the witness, from the sickness  
7 of himself or family, or from his employment in the public  
8 service, or from age or infirmity, or from absence beyond the  
9 jurisdiction of the State, county, district or parish, is unable to  
10 attend the sessions held by said Commissioner; and the rules  
11 prescribed by said Commissioner, shall conform, as near as  
12 practicable, to the rules and regulations prescribed by the laws  
13 of the State for taking depositions to be read in evidence in State  
14 courts, in which said depositions are used in support of claims.

1 SEC. 4. *And be it further enacted,* That the Commissioner  
2 appointed for each State shall be authorized to appoint some fit  
3 and proper person to act as clerk for said Commissioner, whose  
4 duty it shall be to keep a docket containing all the cases of  
5 claims presented, entering each case on the docket in the order  
6 presented, and to take down and reduce to writing the oral testi-  
7 mony of any witness examined before said Commissioner in  
8 support of any claim, at the time it is delivered, and when  
9 reduced to writing the same shall be read by the witness or care-  
10 fully read to him, and, if approved by him, he shall sign the  
11 same in the presence of the Commissioner, who shall attest the  
12 same as a witness.

1     SEC. 5. *And be it further enacted,* That each Commissioner  
2 appointed under this act, and each clerk appointed by the  
3 Commissioner, shall take an oath to support and defend the  
4 Constitution of the Confederate States of America, and, to the  
5 best of his ability, faithfully and impartially discharge the duties  
6 of his office.

1     SEC. 6. *And be it further enacted,* That each Commissioner  
2 appointed under this act shall have power to compel the attend-  
3 ance of witnesses, the answering of interrogatories, the produc-  
4 tion of papers, and to administer oaths to witnesses examined  
5 before him, and to preserve order while holding his sessions;  
6 and any person swearing falsely before said Commissioner, or  
7 falsely swearing to depositions authorized to be taken by said  
8 Commissioner, shall be guilty of the crime of perjury, and, on  
9 conviction thereof, before any court having jurisdiction of the  
10 same, shall be imprisoned in the penitentiary of the State in  
11 which said conviction shall take place, and if there be no peni-  
12 tentiary in the State, then he or she shall be imprisoned in the  
13 county jail for any time not less than five nor more than twenty  
14 years; and if any person shall induce or procure another to swear  
15 falsely in support of any claim, either before a Commissioner or to  
16 depositions authorized to be taken by said Commissioner in support  
17 of any claim, he shall be guilty of subornation of perjury, and on  
18 conviction thereof, before any court having jurisdiction of the

19 same, shall be imprisoned in the penitentiary of the State in  
20 which said conviction shall take place, if there be a penitentiary,  
21 and if not, then in the common jail of the county, for any time  
22 not less than three nor longer than fifteen years.

1     SEC. 7. *And be it further enacted,* That any person who shall  
2 present a false and fraudulent claim against the Confederate  
3 States, to any commissioner appointed under the provisions of  
4 this act, shall be guilty of a misdemeanor, and, on conviction  
5 thereof, before a court having jurisdiction of the same, shall be  
6 imprisoned in the State penitentiary, if there be one in the  
7 State where the conviction takes place, and if not, then in the  
8 common jail of the county, for any time not less than one year  
9 nor longer than ten years, at the discretion of the court.

1     SEC. 8. *And be it further enacted,* That the docket of the claims  
2 kept by the clerk appointed by the commissioner shall be called  
3 in regular order, unless the commissioner shall be of opinion  
4 that justice requires a change in the order of calling the docket,  
5 and when any case is called on the docket, the commissioner  
6 shall, on the application of the claimant, his agent or attorney,  
7 and good cause shown under oath, continue the hearing of said  
8 claim, not more than once in any case, except for providential  
9 cause.

1     SEC. 9. *And be it further enacted,* That each commissioner shall

2 give due and timely notice of the time and place of holding each  
3 session for the investigation of claims.

1 SEC. 10. *And be it further enacted,* That it shall be the duty of  
2 the commissioner in each State to show, if it can be done, by the  
3 examination of the witnesses in support of each claim, or, other-  
4 wise, what division, brigade, regiment or battalion the troops  
5 belonged which took, used, injured or destroyed the property of  
6 the citizen for which the claim is presented.

1 SEC. 11. *And be it further enacted,* That it shall be the duty of  
2 the commissioner to cross-examine each witness examined orally  
3 or by written interrogatories in support of any claim, in such  
4 way as to elicit the whole truth, if practicable, in each case.

1 SEC. 12. *And be it further enacted,* That each commissioner  
2 shall receive as a compensation for his services the sum of —  
3 dollars per annum, and each clerk appointed by the commissioner  
4 shall receive as a compensation for his services the sum of —  
5 dollars per annum; but the salary of the commissioner and clerk  
6 may be increased or diminished by Congress as justice may re-  
7 quire.

1 SEC. 13. *And be it further enacted,* That when any claim, with  
2 the evidence in the case, shall be sent up to the Attorney General,  
3 he shall examine the same, and if, in his judgment, justice  
4 requires that said claim should be paid by the Confederate States,  
5 he shall, if Congress be then in session, immediately send said

6 claim to the House of Representatives, and if Congress be not  
7 then in session, he shall send said claim to the House of Repre-  
8 sentatives within the first week after the next meeting of Con-  
9 gress, and all the testimony connected with said claim, with a  
10 recommendation for an appropriation of money to pay said claim.  
11 And if the Attorney General shall be of opinion that any claim  
12 sent up to him should not be paid by the Confederate States, he  
13 shall immediately send said claim, with all the testimony con-  
14 nected therewith, to the court for the trial of claims to be estab-  
15 lished under the Constitution of the Confederate States; and  
16 said court shall decide upon the merits of said claim, and if the  
17 decision be in favor of the claimant, it shall be the duty of said  
18 court to send said claim, with the evidence connected therewith,  
19 to the House of Representatives at the first meeting of Congress  
20 after the decision is made, and if Congress be then in session, to  
21 send up the same immediately.

1     SEC. 14. *And be it further enacted,* That no decision in favor of  
2 any claimant under the provisions of this act shall be binding on  
3 the Confederate States until Congress has passed thereon and  
4 appropriated money for the payment of the claim.

